

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

**GABRIELLE ROGERS AND ASHLEY
WILBURN, on Behalf of Themselves and
On Behalf of All Others Similarly
Situated,**

Plaintiffs,

V.

**12291 CBW, LLC, RCI DINING
SERVICES (BEAUMONT), INC., and
RCI HOSPITALITY HOLDINGS, INC.,**

Defendants.

CIVIL ACTION NO. 1:19-CV-00266

COLLECTIVE ACTION

**PLAINTIFFS' MOTION FOR LEAVE TO EXCEED PAGE LIMITS FOR
MOTION FOR CONDITIONAL CERTIFICATION**

Plaintiffs, on behalf of themselves and all others similarly situated, file this Motion for Leave to Exceed Page Limits for Plaintiffs' Motion for Conditional Certification and would respectfully show the Court the following:

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Plaintiffs have brought this collective action lawsuit alleging that Defendants have violated the Fair Labor Standards Act ("FLSA"). In particular, the Plaintiffs seek to represent a group of dancers who were misclassified as independent contractors and not paid wages by Defendants. Simultaneous with the filing of this Motion for Leave, Plaintiffs are filing their Motion for Conditional Certification under the FLSA. Plaintiffs' Motion contains a detailed analysis of the facts and law for certification. It also contains an analysis as to why Plaintiffs' proposed Notice to the Class Members is appropriate. Given the arguments presented and so that the Court has full

and complete information to decide the Motion, Plaintiffs hereby request leave of Court to exceed the page limit in the local rules.

II.

Plaintiffs' motion is 25 pages long excluding the caption, table of contents and table of authorities. In addition to providing their arguments for conditional certification, Plaintiffs' motion addresses the standard for conditional certification and provides a background regarding law pertaining to dancers who work for adult cabarets. Plaintiffs' Motion provides a brief regarding the Fifth Circuit authority holding that dancers are employees under the FLSA and why they are similarly situated under the FLSA. Plaintiffs' Motion also addresses the propriety of their proposed form and method of Notice, and Notice schedule. Instead of filing separate motions addressing each of these issues and duplicating the procedural history and factual background each time, Plaintiffs have combined these related issues into a single motion. Additionally, Plaintiffs have provided complete information regarding the facts, law, and the evidence (gathered at this stage) so the Court will have full information when deciding the Motion.

III.

For the foregoing reasons, Plaintiffs respectfully ask this Court to grant this Motion for Leave to Exceed Page Limits.

Respectfully submitted,

HODGES & FOTY, LLP

By: /s/ Don Foty

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ATTORNEY FOR
PLAINTIFFS & CLASS MEMBERS

CERTIFICATE OF CONFERENCE

I certify that counsel has attempted to comply with the meet and confer requirements in Local Rule CV-7(h). On September 25, 2020, counsel for Plaintiffs called counsel for Defendants to confer on the relief requests herein but was unable to reach them. Plaintiffs' counsel left a voicemail regarding the same but has not yet received a response.

/s/ Don J. Foty
Don J. Foty

CERTIFICATE OF SERVICE

I certify that on this September 25, 2020, a true and correct copy of the foregoing instrument was filed through the Court's electronic case filing which will serve a copy of this document electronically on all counsel of record.

/s/ Don J. Foty
Don J. Foty